

GREGORY A. BROWER
 United States Attorney
 Nevada State Bar No. 5232
 DANIEL D. HOLLINGSWORTH
 Assistant United States Attorney
 Nevada State Bar No. 1925
 Lloyd D. George United States Courthouse
 333 Las Vegas Boulevard South, Suite 5000
 Las Vegas, Nevada 89101
 Telephone (702) 388-6336
 Facsimile (702) 388-6787
 Email: Daniel.Hollingsworth@usdoj.gov
 Counsel for the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	2:08-CV-00304-LRH (PAL)
)	
\$6,663.00 IN UNITED STATES CURRENCY))	
SEIZED FROM MICHAEL JELINSKY))	
LOCATED AT 11282 MERADO PEAK DRIVE,)	
AND ON THE PERSON OF MICHAEL))	
JELINSKY, AND IN THE CONTROL OF))	
MICHAEL JELINSKY,)	
)	
Defendant.)	

**THE UNITED STATES OF AMERICA’S UNOPPOSED APPLICATION TO EXTEND
 THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM AGAINST
 THE \$6,663.00 IN UNITED STATES CURRENCY
 (Second Request)**

The United States of America (“United States”), by and through Gregory A. Brower, United States Attorney, and Daniel D. Hollingsworth, Assistant United States Attorney, and Michael Jelinsky (“Jelinskys”), by and through his attorney, Richard Barnett, and Barbara Jelinsky (“Jelinskys”), by and through her attorney, Gerald B. Lefcourt, respectfully apply for a second extension of time until and including August 1, 2008, pursuant to 18 U.S.C. § 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture In Rem against the \$6,663.00 in United States Currency seized from Michael Jelinsky. The Complaint is currently due May 30, 2008.

1 The grounds for this unopposed application are counsel for the United States and counsel for
2 the Jelinskys have agreed to the extension.

3 This Unopposed Application is made and is based on this Unopposed Application and the
4 attached Memorandum of Points and Authorities.

5 DATED this 16th day of May, 2008.

6 GREGORY A. BROWER
7 United States Attorney

8 /s/DanielDHollingsworth
9 DANIEL D. HOLLINGSWORTH
10 Assistant United States Attorney
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement Of Facts

On or about September 27, 2007, the Immigration and Customs Enforcement (“ICE”) in Las Vegas, Nevada executed a search and seizure warrant at 11282 Merado Peak Drive, Las Vegas, Nevada and seized a cashiers check for \$6,663.00 in United States Currency.

On or about December 3, 2007, the Customs and Border Protection Office of Fines, Penalties & Forfeitures (“FP&F”) mailed notice of seizure certified return receipt requested.

On January 3, 2008, FP&F received a claim requesting judicial action from Michael Jelinsky and Barbara Jelinsky.

On March 6, 2008, Richard Barnett, Michael Jelinsky’s attorney, and Gerald Lefcourt, Barbara Jelinsky’s attorney, agreed to the first extension of time and authorized counsel for the United States to file the Unopposed Application with this Court. Richard Barnett and Gerald Lefcourt needed time to discuss with the case with the Jelinskys.

On or about May 2, 2008, Richard Barnett, Michael Jelinsky’s attorney, and Gerald B. Lefcourt, Barbara Jelinsky’s attorney, agreed to the second extension of time and authorized counsel for the United States to file this Unopposed Application with this Court. The United States, Richard Barnett, and Gerald Lefcourt need time to see if the case with the Jelinskys can be resolved.

II. ARGUMENT

This Court should grant this application for an extension of time to file the Civil Complaint For Forfeiture In Rem against the \$6,663.00 in United States Currency under 18 U.S.C. § 983(a)(3)(A), which states:

[T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims . . . , a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or *upon agreement of the parties*. (emphasis added)

A district court has the authority under § 983(a)(3)(A) to extend the period for filing a Civil Complaint For Forfeiture In Rem. On or about May 2, 2008, counsel for the Jelinskys agreed to the

1 second extension of time and authorized counsel for the United States to file this Unopposed
2 Application with this Court. Because the parties have agreed to the extension of time to file a Civil
3 Complaint For Forfeiture In Rem, this Court should extend the time.

4 This Unopposed Application is not submitted solely for the purpose of delay or for any other
5 improper purpose.

6 **III. Conclusion**

7 This Court should grant an extension of time until August 1, 2008, pursuant to §
8 983(a)(3)(A), for the United States to file a Civil Complaint For Forfeiture In Rem against the
9 \$6,663.00 in United States Currency seized from Michael Jelinsky located at 11282 Merado Peak
10 Drive, and on the person of Michael Jelinsky, and in the control of Michael Jelinsky, because the
11 United States and counsel for the Jelinskys have agreed to the extension of time.

12 DATED this 16th day of May, 2008.

13 Respectfully submitted,

14 GREGORY A. BROWER
15 United States Attorney

16 /s/DanielDHollingsworth
17 DANIEL D. HOLLINGSWORTH
18 Assistant United States Attorney

19 IT IS SO ORDERED:

20 
21
22

23 LARRY R. HICKS
24 UNITED STATES DISTRICT JUDGE

25 DATED: May 20, 2008
26